REMARKS/ARGUMENTS

Claims 1, 3, 4, 17, 20, 21, 24 and 25 remain in the application for further prosecution. Claims 1, 17, 21, 24 and 25 have been amended. Claims 2, 5-16, 18, 19 and 26 have been cancelled. Claims 22 and 23 were previously withdrawn.

Claim Rejections – 35 U.S.C. § 102

Claims 1-8, 17-21 and 24-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,254,483 to Acres ("Acres"). The Office Action alleges that Acres discloses the invention. The Applicants respectfully disagree on the basis that significant claim features and limitations are missing from Acres.

Each of the independent claims has been revised to narrow and more specifically delineate the claim scope by using the term "data set" in place of "visual motif." Each of the independent claims now includes the limitation of displaying symbols from alternate data sets.

The symbols in each of the data sets are used to indicate game outcome, i.e., whether the gaming outcome is a winning or losing proposition for the player. Acres does not, however, disclose altering game symbols. Acres only mentions changing generic aspects of the game such as background color and card decoration – aspects that do not affect game play. Alternating data sets to change game symbols is a fundamental and significant limitation that is missing from Acres. Alternating the data sets to change game symbols affects game play and game outcome – giving players the impression of a new game.

The impression of a new game is further reinforced by players' perception that individual games are recognizable by their own unique set of symbols (i.e., data set). These symbols generally present a theme that distinguishes different games. The present invention avails itself

of this perception – presenting a new game by implementing a new data set without requiring the replacement of the gaming machine.

The novelty of the new symbols often satisfies a player's desire for something different. It breaks up the monotony created by repetitive play with symbols from a single data set – using the number of wager inputs to roughly determine when to surprise a player with new symbols. Changing the game's symbols after a number of wager inputs makes an old game look new – refreshing the game and renewing player interest – while challenging the player to learn and understand the new symbols and their affect on game outcome.

Conclusion

The Applicants maintain that ***altering the gaming machine's data set in response to the number of wager inputs*** is a novel and non-obvious feature over Acres. Altering the game's data set maintains the player's interest in the game and encourages the player to continue playing.

To maintain player interest in the game, the change in the game's data set should be timed with the player in mind. Changing the data set too often creates player confusion. Change too slowly and a player may not play long enough to even experience a change in the data sets. Because the number of wager inputs determines when the data set is changed, the length of time that a player sees a particular data set can be closely controlled. Monitoring the number of wager inputs allows a new data set to be automatically implemented after a reasonable number of game plays.

For all of the above reasons, it is the Applicants' belief that the claims are now in condition for allowance and action towards that end is respectfully requested. If there are any

matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

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